

**GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT**

The A.P. Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986 (Act No.1 of 1986) – Order of detention made by the Collector and District Magistrate, Chittoor District in respect of Sri S.Rajesh Khanna, S/o. K.V.Shanmugam, aged 27 years, Resident of D.No.13/86, 5<sup>th</sup> Street, Anna Nagar, Vasarpadi, Chennai-39 - Confirmed – Orders – Issued.

---

GENERAL ADMINISTRATION (LAW & ORDER.II) DEPARTMENT

G.O.Rt.No. 1143

Dated:08.03.2010.

Read the following:-

1. Order of detention Roc.C2/7545/09, dated 08.01.2010 of the Collector & District Magistrate, Chittoor District.
2. G.O. Rt. No. 235, G.A. (L&O.II) Dept., dated 18.01.2010.
3. Representation, dated 28.01.2010 of Sri K.V.Shanmugam.
4. From the Advisory Board, Report, dated 16.02.2010.

\*\*\*\*

ORDER:

WHEREAS the Collector and District Magistrate, Chittoor District, made an order of detention vide reference first read above under Section-3(2) of the Andhra Pradesh Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986 (Act No.1 of 1986) in respect of Sri S.Rajesh Khanna, S/o. K.V.Shanmugam, aged 27 years, Resident of D.No.13/86, 5<sup>th</sup> Street, Anna Nagar, Vasarpadi, Chennai-39, with a view to prevent him from further indulging in a manner prejudicial to the maintenance of public order. The Government accorded approval to the said detention order under sub-section (3) of Section-3 of the Act, vide Government orders second read above;

2. WHEREAS Sri K.V.Shanmugam, father of the detenu, has submitted a representation third read above to Government requesting to release his son by declaring the detention order as illegal and void on the following grounds:

- I. That his son was falsely implicated in two cases and for third case, details of which were not informed to the detenu. His son is innocent of all the charges leveled against him. That in the first case his son was arrested and remanded to Judicial custody. In the second case, nothing was seized from his son and basing on the confession made by the co accused, his son was made as an accused. Regarding the third case no details were furnished. The evidence against his son is only circumstantial. Moreover confession made by the co-accused are in-admissible in evidence and can not form the basis for conviction, hence the sole case assuming that his son could be fairly charged would be under the first case for which even if he is convicted, the sentence of imprisonment is very meager and could be even let off with fine. It is not the case of the prosecution that if his son is let off on bail soon, he would be detrimental to the safety and security of the public at large. Basing on only one case, the impugned order and GO cannot sustain.
- II. That his son is a Tamilian and he is not familiar with Telugu script and the said proceedings and the grounds for invoking the P.D. Act against his son, the grounds of detention and the orders of detention supplied to his son are in English. Some of the documents are in Telugu script. Therefore, on this ground alone for having not supplied the order and material to his son in Tamil script, is itself arbitrary.

3. WHEREAS the contentions in the representation have been examined with reference to the material placed before this authority. In the grounds of detention supplied to the detenu along with the order of detention, the details of three forest offences Nos. (1) O.R.No. 24/09-10, dated

21.07.2009, (2) O.R.No.72/09-10, dated 22.07.2009 and (3) O.R.No. 44/09-10, dated 13.10.2009 have been mentioned and related documents of these three cases were also supplied to the detenu. It is not correct to say that the details of 3<sup>rd</sup> case were not supplied to the detenu. The involvement of any person in such offences is enough to pass an order of detention under the Andhra Pradesh Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986 (Act No.1 of 1986). The second contention that the detenu is a Tamilian and he is not familiar with Telugu script and the proceedings and some of the grounds etc., for his detention, supplied to him were in English and some were in Telugu script. It is verified from the record that the detenu has acknowledged the receipt of the above material duly signing his name in English. Further, the present representation is also in English. The material papers need not invariably be in the mother tongue of the detenu i.e., Tamil. The papers so supplied should be in any of the languages known to the detenu. The detenu knows Telugu and English besides his mother tongue Tamil. There are no merits in the grounds mentioned in the representation for release of Sri Rajesh Khanna, detenu in question.

4. WHEREAS the Advisory Board constituted under Section-9 of the said Act, consisting of Sri Justice T.L.N. Reddy (Retired), Chairman and two other Members, reviewed the case on 16.02.2010 and after having heard the detenu and the investigating officers and also after perusing the connected records, reported vide reference fourth read above that in its opinion "there is sufficient cause for the detention of the detenu, Sri S.Rajesh Khanna, S/o. K.V.Shanmugam".

5. NOW, THEREFORE, after due consideration of the material available on record, Government hereby reject the request of Sri K.V.Shanmugam, father of the detenu for release of his son, and in exercise of the powers conferred under sub-section (1) of Section-12 read with Section-13 of the said Act, confirm the Order of Detention first read above and direct that the detention of Sri S.Rajesh Khanna, S/o. K.V.Shanmugam, detenu, be continued for a period of 12 months from the date of his detention, i.e. 13.01.2010.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH

S.V.PRASAD  
CHIEF SECRETARY TO GOVERNMENT

To  
Sri S.Rajesh Khanna, S/o. K.V.Shanmugam, detenu through the Superintendent, Central Prison, Cherlapalli, R.R.District.

The Superintendent, Central Prison, Cherlapalli, R.R. District.

(with instructions to serve the order on the detenu immediately under proper acknowledgement and arrange to read over and explain the contents therein to the detenu in the language known to him and report compliance to Government).

The Collector and District Magistrate, Chittoor District.

The Divisional Forest Officer, Chittoor East (WL) Division, Chittoor.

The Superintendent of Police, Chittoor.

Copy to:

The Director General of Police, A.P., Hyderabad.

The Director General of Prisons and Correctional Services, A.P., Hyderabad.

The Additional Director General of Police (Intelligence), A.P., Hyderabad.

Sf/sc

//FORWARDED :: BY ORDER//

SECTION OFFICER (SC)